

Remarks

The non-final Office Action dated November 22, 2005 has been reviewed and the following remarks are made in response thereto. In view of the following remarks, Applicants respectfully request reconsideration of this application and timely allowance of pending claims 57 to 69.

Summary of the Non-Final Office Action

1. Claims 57-69 are rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement because the specification fails to disclose a user interface for entering information into a computer.

2. Claims 57-69 are rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement because the specification fails to disclose software used to generate a second experimental dataset and software for comparing statistical values.

3. Claims 57-69 are rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement because the specification does not disclose a database or computer system comprising data from specific numbers of control samples.

Rejections under 35 U.S.C. 112

Claims 57-69 are rejected under 35 U.S.C. 112 (first paragraph) for allegedly failing to comply with the written description requirement. The Examiner purports that the specification does not have adequate written description for a computer system comprising a user interface for entering information into a computer. Applicants respectfully traverse the rejection.

Applicants bring to the attention of the Examiner that the user interface for entering information in the present invention comprises a Hewlett Packard Gene Array Scanner. The GeneChip Scanner inputs data obtained from the scan of an array into a computer. This data may comprise raw data and statistical information. Applicants present several examples in the specification in which a Hewlett Packard Gene Array Scanner is used as an interface to enter information obtained from a scan of an array into a computer (Specification, page 23, lines 4-10). Therefore, Applicants respectfully request that the rejection of claims 57-69 under 35 U.S.C. 112 (first paragraph) be withdrawn.

Claims 57-69 are rejected under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement. The Examiner purports that the specification does not adequately

describe software that is used to generate a second experimental dataset or software for comparing statistical values. Applicants respectfully traverse the rejection.

Applicants bring to the attention of the Examiner that the examples provided in the specification disclose software that is used to generate a second experimental dataset and compare statistical values. Notably, the examples in the specification measure the differential expression of genes on an array that are subsequently analyzed with Affymetrix GeneChip software (Specification, page 23, lines 11-26). Affymetrix GeneChip software uses algorithms to calculate the average difference of expression between tested and control cells (thus generating a second experimental dataset). Moreover, the Affymetrix GeneChip software tests those genes that are differentially expressed and pass certain criteria for statistical significance using a two tailed t-test (software for comparing statistical values). Furthermore, the application incorporates by reference, in its entirety, the Affymetrix GeneChip Expression Analysis Manual (Specification, page 22, line 20). This manual discloses software that is capable of receiving data from the scan of a GeneChip, generating a second experimental dataset and comparing statistical values. Therefore, Applicants respectfully request that the rejection of claims 57-69 under 35 U.S.C. 112 (first paragraph) be withdrawn.

Claims 57-69 are rejected under 35 U.S.C 112 (first paragraph) for failing to comply with the written description requirement. The Examiner purports that the specification does not have adequate written description for a database or computer system comprising data from specific numbers of control samples. Applicants respectfully traverse the rejection.

Applicants bring to the attention of the Examiner that the experimental data disclosed in the Applicants' specification in Tables 1-6 provides adequate written support for a database comprising data for at least one, at least two or at least 10 control genes. Particularly, the fifth column in Tables 1-5 indicates a "fold change" or the differential expression of a gene in a control versus experimental cell population. Tables 1-6 contain data regarding the differential expression of well over seventy genes and thus discloses well over 10 control genes. Therefore, Applicants respectfully request that the rejection of claims 57-69 under 35 U.S.C. 112 (first paragraph) be withdrawn.

Conclusion

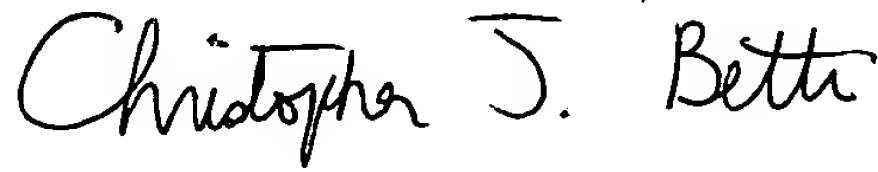
The foregoing remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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